

CITY OF FOLEY MINNESOTA
REGULAR CITY COUNCIL MEETING – October 4, 2016

The Foley City Council held a regular meeting on October 4, 2016, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Dave Mosford, Councilmembers Gerard Bettendorf, Brian Weis, Kris du'Monceaux and Leslie LeCuyer.

The pledge of allegiance was recited.

Motion by Bettendorf, seconded by Weis, to approve the agenda. Motion carried, unanimous.

Consent Agenda

Motion by LeCuyer seconded by Bettendorf to approve the consent agenda which included the following:

- Minutes of September 20, 2016
- Accepting resignation of City Assessor Traci Balder effective 2018 Assessment.
- Adopting of Resolution 2016-20 Accepting SAL Donation.
- Adopting of Resolution 2016-21 Appointing Election Judges for General Election.
- Approving the payment of bills paid for by checks #49036 - #49086.

Motion carried, unanimous.

Public Hearing on Liquor License for John Kreuser, The Other Bar, 193 Highway 23 W

Mayor Mosford closed the regular city council meeting at 5:31 p.m. to conduct the public hearing on the liquor license. Mr. Kreuser introduced himself as the new owner and welcomed everyone to come visit the establishment. LeCuyer asked about Mr. Kreuser's restaurant experience. Mayor Mosford closed the public hearing at 5:33 p.m. Motion by du'Monceaux, seconded by Weis, to approve the liquor licenses. Motion carried, unanimous.

Discussion on 4th Avenue N Sidewalks

Mosford questioned the attendance of other representatives. City Engineer, Jon Halter, provided some documentation and overview of the sidewalk design. Chris Byrd, from Benton County, and Tim Paul, from MNDot, were also in attendance. Halter overviewed the design standards and requirements, including curving and sloping when reconstructing a state aid roadway in a very old downtown district. Some struggles in construction include matching existing buildings with existing road widths while still maintaining adequate parking. Mr. Halter provided pictures of other area communities with similar sidewalk situations. Halter elaborated that altering one area of area can have a huge impact on another. Mosford asked Halter to elaborate the difference between angled parking and parallel parking and how the need to have adequate parking in the downtown is also driving the design. The city determined a need to have angled parking as a priority. Mosford indicated there would be an open forum session later in the meeting for individuals to comment or ask questions. du'Monceaux questioned an option for a coloration or addition of a gritty material to help with the slope and potential slipperiness. Halter provided a few examples of what other cities have done with the transition piece. LeCuyer asked if comments by the public could be taken now. Chris Byrd, County Engineer, indicated the county reviewed the plans with the city engineer and determined the sloping solution is the best design to meet the overall needs of the city. Byrd continued that this type of design is not uncommon in

many projects the county sees. Although challenging, Byrd indicated it meets the needs of the city as well as following state aid standards. Byrd indicated the city was able to obtain a variance for some of the standards. LeCuyer commented how surprising it was to see when the actual sidewalks were poured. LeCuyer indicated how the American with Disabilities Act (ADA) regulations provided the city with an unintended consequence. LeCuyer would have liked to have seen photographs in the plan review. LeCuyer asked if the road could have been brought up. Halter indicated raising the road in one spot would cause issues in other areas of the road.

Mosford asked if anyone in attendance would like to speak. Duane Walters, 7665 Ronneby Road NE representing the Foley American Legion, outlined some areas of the sidewalk where the finishing was a concern and asked if the finishing could be fixed. Walters indicated the requirements do not make sense and he was glad to see some council representation had contacted federal representatives. Walters did express some concern over the light placement, but overall was happy to see the project finishing soon. Halter commented that a few of the concrete panels will be replaced as Mr. Walters has pointed out. du'Monceaux asked if the connecting pieces in certain areas can be corrected. Halter indicated that the overall concrete has a two-year warranty and any issues will be resolved. Jim Bruno, Brickhouse Cinema, 160 4th Avenue N, asked about his entrance repairs. Halter indicated the curb and gutter was poured the past weekend and the remaining part should be done soon and will follow-up with Mr. Bruno. Bruno expressed concern of the road being lower in front of his building whereas the old road was much higher. Halter indicated variances are not allowed for ADA standards and also commented on the road design. Bruno indicated he would support some enhancements like epoxy and non-slip material on the sloped section. Halter indicated a number of items are still in progress. Tony Washa, 270 4th Avenue N, expressed concern over individuals slipping and falling on that slope. City Attorney Adam Ripple commented on following design standards and it does not prove negligence, however, snow and ice situations depend on the situation and proper maintenance. Washa indicated some scaling in the concrete has occurred and asked for some follow up on that item. du'Monceaux questioned Ripple on liability. Ripple indicated no additional liability based on the design standards. Ripple indicated the only concerns a property owner would have is if they are doing anything to add additional snow or ice or hazards on the sidewalks. LeCuyer expressed concern of more falls even though it doesn't mean additional liability on the city. LeCuyer expressed frustration with the ADA requirements and encouraged everyone to contact their legislators.

Tim Paul, representative from MNDot, indicated that failure to meet federal regulations could require state funding to be pulled and that other states such as Michigan and Pennsylvania have seen this happen. Paul indicated although frustrating it is necessary to obtain the state aid funding. Paul indicated that he reviewed the sidewalks and the design and it meets the standards and what is required. Paul elaborated that the sloping area is not a walking area and only should be crossed when getting in and out of cars. Paul indicated the best thing for Foley to do is to contact federal legislatures. Duane Walters asked if the standards could change and then the work would have to again be redone. Paul couldn't comment as it depends on the federal law and failure to meet standards is a liability for the county/city. LeCuyer asked if a redesign would be at the city expense. Halter indicated a redesign would not likely fix all the problems. Garrett Stauffnecker, address unknown, asked why the sidewalk is not flat like it was prior. Halter indicated the cross slope required for ADA would not allow for it. Julie Torell, 405 Dewey Street, indicated how sad the design is and how it will be difficult for many people to use. Torell questioned how the handicap parking will be determined and how large the storm water grates are. Halter commented that the grates are standard and not intended to be walked on. Halter

indicated the handicap spaces will be at the corners near the ramps. Bettendorf indicated he walked the project and does not see an issue with the design and that the slopped areas are not considered a walkable area. du'Monceaux indicated frustration and also indicated some people will have to step on the slopped area to gain access to the sidewalk. LeCuyer indicated there was discussion on color difference and asked those in attendance if they would like the city to consider some type of application on the slopped section. Halter outlined some of the options and indicated a need to further research. Weis indicated concern with epoxy coming off during snow removal and expressed concern with the design, but limited options exist with federal regulations. Tim Paul, MNDot, recommended completing the project and letting it sit for a year before making a decision on the two foot section. Julie Torell questioned if more handicap accessible ramps could have been added along 4th Avenue in between the blocks. Paul and Halter indicated difficulty making the required sloping and the elimination of needed parking spaces. Bettendorf indicated the slopes are visible. du'Monceaux expressed concern over safety of the citizens. There was a question on plowing. Mark Pappenfus, Public Works Director, indicated the city should still be able to plow with some difficulty on getting around the lights. Tim Paul, MNDot presented some options on crossing issues.

Update on Dewey Street Project

City Administrator, Sarah Brunn, updated the council on the Dewey Street project and indicated a meeting with Chris Byrd was had and that delaying the project should not affect funding. Chris Byrd, Benton County Engineer, indicated continuing work with staff on an agreement to complete.

Update on Advanced Disposal

City Administrator, Sarah Brunn, and Public Works Director, Mark Pappenfus, updated the council on the garage pickup issue. Ken Hartman, 231 3rd Avenue, concerned citizen expressed frustration with not having alley pickup in the neighborhoods. Brunn indicated Advanced Disposal will be sending letters to those parties affected with a change back to alley pickup.

Mayor's Comments & Open Forum

No one else spoke.

Department Reports

Chief McMillin provided the monthly law enforcement report. There was a question on the gas lines being cut and McMillin reported no additional issues.

Ripple indicated the union mediation needs to be rescheduled due to a conflict with a party involved.

Halter indicated paving is scheduled this Thursday with striping the following week.

Pappenfus updated the council on sewer jetting, truck DOT inspections, and truck sales. Pappenfus indicated Benton County is interested in the 3/4 ton truck. Bettendorf and LeCuyer indicated support in working with the county. Pappenfus indicated he will bid out the plow truck. Pappenfus also indicated that campaign signs need to be out of the right-of-way and public works will be pulling any signs that are in the ROW. Pappenfus also informed the council of the upcoming Fire Department Open House on Saturday. LeCuyer questioned an update on the I/I project.

Brunn updated the council on water/sewer disconnection notices, Clean Up Day being held on Oct. 15, work on a new agreement with the Great River Regional Library, and an upcoming Foley Area C.A.R.E. event in which city officials are invited.

Old Business

There was no old business.

New Business

There was no new business.

Motion by Bettendorf, second by Weis, to adjourn.

Sarah A. Brunn, Administrator